

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
JONATHAN MONSARRAT,)	
)	
<i>Defendant in counterclaim,</i>)	
)	CIVIL ACTION NO. 17-cv-10356-PBS
v.)	
)	
BRIAN ZAIGER)	
)	
<i>Plaintiff in counterclaim.</i>)	
_____)	[PROPOSED] ORDER

[PROPOSED] ORDER ON DEFENDANT IN COUNTERCLAIM'S MOTION TO STRIKE PLAINTIFF IN COUNTERCLAIM'S OPPOSITION TO DEFENDANT IN COUNTERCLAIM'S MOTION FOR JUDGMENT ON THE PLEADINGS and TO ADMONISH ZAIGER'S COUNSEL TO COMPLY WITH THIS COURT'S RULES OF PROFESSIONAL CONDUCT.

Upon consideration of defendant in counterclaim's February 12, 2018 Fed. R. Civ. P.12(f) motion to strike Brian Zaiger plaintiff in counterclaim's entire January 31, 2018 opposition to Monsarrat's motion for judgment on the pleadings and to admonish Zaiger's counsel to comply with this Court's Rules of Professional Conduct, and upon consideration of the February 12, 2018 affidavit of Jonathan Monsarrat and the February 8, 2018 affidavit of Monsarrat's counsel, the Court finds and rules that:

1. Zaiger's January 31, 2018 Opposition constitutes an improper use of the process of filing with this Court for the purpose of launching scandalous attacks against Monsarrat which unnecessarily impugn Monsarrat's moral character to his actual economic and personal prejudice;

2. Zaiger's January 31, 2018 Opposition, Doc. 96, includes contentions, statements and pejorative opinions none of which is necessary for the Court's determination of Monsarrat's

motion for judgment on the pleadings as to whether Zaiger's counterclaim states a claim for which relief can be granted;

3. The continued presence on the record of the scandalous and immaterial allegations and opinions about Monsarrat present a serious and continuing risk of both economic harm to Monsarrat and unfair and unnecessary damage to his reputation;

4. Rather than ordering the deletion of the scandalous and immaterial allegations and opinions meaningful relief requires an Order striking Zaiger's entire filing including all exhibits;

Accordingly, IT IS HEREBY ORDERED:

1. Defendant in counterclaim's February 12, 2018 motion to strike, Doc. 104, is ALLOWED.
2. Plaintiff in counterclaim is directed to cause the Encyclopedia Dramatica website to remove any references to Zaiger's Opposition from that website and/or from any other website within his ability to do so and directing Plaintiff in counterclaim and counsel to Plaintiff in counterclaim to take all steps necessary to prevent further publication of Plaintiff in counterclaim's January 31, 2018 Opposition or any portion thereof, in any other forum.
3. Counsel of record for Zaiger are admonished to comply with the Massachusetts Rules of Professional Responsibility including in particular the standards for civility.
4. On or before _____ 2018 Brian Zaiger and his counsel are directed TO SHOW CAUSE why they should not be ordered to pay Jonathan Monsarrat's reasonable legal fees and expenses incurred in connection with or related to

his February 12, 2018 motion to strike.

DATED: _____

UNITED STATES DISTRICT COURT JUDGE